

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

MARK ZICHERMAN, Derivatively on Behalf
of HEMISPHERX BIOPHARMA, INC.,

Plaintiff,

vs.

WILLIAM A. CARTER, THOMAS K.
EQUELS, IRAJ E. KIANI, WILLIAM M.
MITCHELL, RICHARD C. PIANI, DAVID
STRAYER and CHARLES T. BERNHARDT,

Defendants,

-and-

HEMISPHERX BIOPHARMA, INC., a
Delaware corporation,

Nominal Defendant.

Case No. 2:13-cv-00243-WY

**PLAINTIFF'S UNOPPOSED MOTION IN SUPPORT OF PRELIMINARY
APPROVAL OF PROPOSED SETTLEMENT**

Pursuant to Federal Rule of Civil Procedure 23.1(c), Plaintiff Mark Zicherman (“Plaintiff”) hereby moves unopposed for preliminary approval of the proposed Settlement set forth in the Stipulation and Agreement of Settlement (the “Stipulation”) dated April 27, 2016, attached to the Memorandum of Law in Support of Plaintiff’s Unopposed Motion for Preliminary Approval of Settlement, filed contemporaneously herewith, as Exhibit 1. Plaintiff respectfully requests that this Court enter an order providing for, among other things: (1) preliminary approval of the Settlement¹ as set forth in the Stipulation; (2) approval of the method of providing notice of the

¹ Unless noted otherwise, all capitalized terms used herein shall have the same meaning as set forth in the Stipulation.

Settlement to Hemispherx Biopharma, Inc. shareholders; (3) approval of the form of the Notice and Summary Notice attached as Exhibits B and C, respectively, to the Stipulation; and (4) setting a date for the Settlement Hearing for the purpose of determining whether the Settlement, including Plaintiffs' counsel's Fee and Expense Award, should be finally approved as fair, reasonable, and adequate.

Dated: May 9, 2016

Respectfully submitted,

/s/ William B. Federman
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that, on May 9, 2016, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court for the Eastern District of Pennsylvania using the CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the court's CM/ECF system.

/s/ William B. Federman

William B. Federman